

# Exhibit A

FILED EX PARTE AND UNDER SEAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SEAN COMBS,

Defendant.

24-cr-542 (AS)

**DECLARATION OF TENY GERAGOS**

I, Teny Rose Geragos Krishnaswamy, declare as follows:

1. I am a partner at Agnifilo Intrater LLP, counsel for Sean Combs. I am licensed and in good standing to practice law in the States of New York and California and I am also admitted to the United States District Court for the Southern District of New York.

2. The declaration is based on my personal knowledge of the facts stated herein, and is submitted in reply to the Government's Response (Dkt. 72) to Mr. Combs' Motion For a Evidentiary Hearing (Dkt. 70).

3. In the Government's Opposition to Mr. Combs' Renewed Motion for Bail, it attached two exhibits, which appear to be photographs of Mr. Combs' attorney-client privileged notes. (*See* Dkt. 70, Exs. E & O.) In the Government's Opposition to Mr. Combs' Motion for an Evidentiary Hearing, the Government attached 19 pages of notes that the Trial Team is in possession of. (*See* Dkt. 72, Ex. A.)

***Filter Protocol***

4. Since being retained on this matter, I have been involved in every aspect of the privilege review for Mr. Combs. In April of 2024, I gathered Mr. Combs' counsel list to provide to both the Trial Team prosecutors and the Filter Team prosecutors. I have been the point of contact

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on the defense team with both the Trial Team and the Filter Team regarding Mr. Combs and his company's counsel and the protocol for Filter review. I have discussed with both the Trial Team and the Filter Team the protocol for filter review on numerous occasions. Additionally, I have alerted the Trial Team to the existence of Mr. Combs' potentially privileged notes before. First, after the March 2024 searches on Mr. Combs' residences, I asked the Trial Team to send a black notebook from Mr. Combs' residence to the Filter Team. Second, after the September 2024 arrest, I asked the Trial Team to send a notebook from the Park Hyatt (where Mr. Combs was staying in New York) to the Filter Team. It was my understanding, which was confirmed by a November 15, 2024, discovery production, that his notes would go through Filter Review to me, who could then make privilege determinations.

5. I never had any understanding that there were other notes of Mr. Combs' that were bypassing Mr. Combs' counsel, to be put in the hands of the Trial Team.

6. The clear Filter Protocol that the Trial Team, the Filter Team, and I agreed on was that potentially privileged material would "filter through" the Filter Team and that the defense team would then assert privilege if they deemed the items were privileged. This protocol was not followed as it relates to Mr. Combs' privileged notes from the MDC.

***Exhibit A***

7. Yesterday evening, the Government provided nineteen pages of notes to counsel and the Court, eleven pages are Mr. Combs' notes to and with his lawyers. As for the pages of the address book, while he wrote a few entries in the address book based on communications with his lawyers, I focus here on the notes rather than the address book. These notes reflect actual conversations with his attorneys concerning [REDACTED]

[REDACTED]. Mr. Combs' handwritten notes cover [REDACTED] all of

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which is now in the hands of the trial prosecutors, who could use these notes to take advantage of the breach they committed to better prepare for the May 2025 trial.

8. For instance, on the fifteenth page of Exhibit A (Ex. E to the Government's Opposition for Bail), Mr. Combs wrote notes to his lawyers. [REDACTED]

[REDACTED] a reference to his attorney, Mr. Ricco, who Mr. Combs wanted to [REDACTED]  
[REDACTED]. This was a specific note that Mr. Combs relayed to me, [REDACTED]  
[REDACTED]

9. Next, he wrote "[REDACTED]." [REDACTED]  
[REDACTED]  
[REDACTED] Mr.  
Combs' notes here are [REDACTED] to his counsel as to [REDACTED].  
[REDACTED]. [REDACTED]  
[REDACTED]  
[REDACTED]

10. Underneath this note, he wrote [REDACTED]  
[REDACTED]. Mr. Combs made these notes after we had gone over [REDACTED]  
[REDACTED] with him. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

11. In reliance on Mr. Combs' communications to me about these [REDACTED], [REDACTED]  
[REDACTED]

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[REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED] is a communication intended for, and communicated to, his attorneys [REDACTED]

Mr. Combs has communicated the [REDACTED] to me during attorney-client visitation.

[REDACTED]

[REDACTED]

[REDACTED].

13. Next, Mr. Combs wrote “[REDACTED].” This was a note Mr. Combs communicated to me, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. Next, Mr. Combs wrote “[REDACTED],” which was a note to me asking [REDACTED]

[REDACTED]

15. Finally, Mr. Combs wrote “[REDACTED],” which was a question for me as to [REDACTED].

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16. On Pages 1 and 2 of Exhibit A (Ex. O in the Government's Opposition for Bail), the notes are instructions to counsel on [REDACTED]. There are instructions to counsel to [REDACTED]. And, here he is, writing in notes to his lawyer that the lawyer should [REDACTED].

17. Finally, there are communications to counsel as to [REDACTED]. [REDACTED], "this was a clear communication to counsel regarding the [REDACTED].

[REDACTED] Mr. Combs was directing his counsel to speak to regarding [REDACTED].

18. He also wrote notes based on discussions with his lawyers about [REDACTED]. [REDACTED] Mr. Combs even writes that one of his lawyers, [REDACTED]. On that same page, Mr. Combs wrote about [REDACTED] other expert witnesses to [REDACTED]. I have personally spoken to Mr. Combs about this [REDACTED] on multiple occasions.

19. He wrote notes to and with his lawyers about how to prepare [REDACTED], including specific [REDACTED]. The notes even relate to what Mr. Combs discussed with his lawyers about [REDACTED].

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[REDACTED]. In particular, he wrote notes to remind his lawyers to [REDACTED]  
[REDACTED].

20. These handwritten notes, which are the reflection and product of months of jail meetings between Mr. Combs and his counsel, reflect Combs' ideas, plans, and strategies for his defense in detail, down to [REDACTED]

[REDACTED]. The Government now knows [REDACTED]  
[REDACTED],  
among many other things.

21. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 19, 2024  
New York, NY

/s/ Teny Rose Geragos  
Teny Rose Geragos, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SEAN COMBS,

Defendant.

24-cr-542 (AS)

**DECLARATION OF TENY GERAGOS KRISHNASWAMY**

I, Teny Rose Geragos Krishnaswamy, declare as follows:

1. I am a partner at Agnifilo Intrater LLP, counsel for Sean Combs. I am licensed and in good standing to practice law in the States of New York and California and I am also admitted to the United States District Court for the Southern District of New York.

2. The declaration is based on my personal knowledge of the facts stated herein, and is submitted in support of Mr. Combs' Motion For A Hearing, Suppression, And Other Relief.

3. Since Mr. Combs was remanded into custody on September 17, 2024, I have met with him either in person, or over video teleconference ("VTC") at the Metropolitan Detention Center in Brooklyn five to six days a week. I am also aware that other members of the legal defense team meet with Mr. Combs frequently over VTC and in person.

4. I previously submitted an *ex parte* declaration in connection with the notes that are the subject of Mr. Combs' motion. (See 11/19/24 Declaration of Teny Geragos.)

5. When I visit with Mr. Combs, he will say something along the lines of, "should I do my list first or do you want to do your list first?" When it is time for him to read his list, he reads from his legal pad.

6. The majority of the statements in the government's "Ex. A – Photographs" have been communicated to me in either in person or VTC meetings.

Page 1

7. Page 1 and page 2 of Exhibit 1 are the seventh page of one of Mr. Combs' legal notebooks, which I have reviewed. The first several pages of this notebook have Mr. Combs' defense strategies and [REDACTED]—prepared at the request of counsel. On the seventh page of the notebook, Mr. Combs wrote [REDACTED]  
[REDACTED] Mr. Combs has communicated to me several times that as a legal team, [REDACTED]  
[REDACTED]  
[REDACTED]. I have also communicated to him on several occasions that [REDACTED]  
[REDACTED]. (See also 11/19/24 Declaration of Teny Geragos ¶16.)

8. Mr. Combs wrote [REDACTED] I have told him several times, and he has also told me several times that [REDACTED]  
[REDACTED]. (See 11/19/24 Declaration of Teny Geragos ¶16.) This note also reflects privileged communications that Mr. Combs and I have had since [REDACTED] regarding [REDACTED]  
[REDACTED]  
[REDACTED]. We have spoken about [REDACTED]  
[REDACTED]. [REDACTED]  
[REDACTED]

9. Next, Mr. Combs wrote [REDACTED] [REDACTED] I have discussed this in my prior declarations. (See 11/19/24 Declaration of Teny Geragos ¶17; see also 11/21/24

Declaration of Teny Geragos ¶¶7-11.) This reflects communications between Mr. Combs and defense counsel. I have had numerous discussions with him about [REDACTED]

10. An unredacted copy of Page 1 is included in page 1 of Exhibit 1, attached, and shows that the remainder of the page contains notes of a conversation between Mr. Combs and counsel about [REDACTED]: [REDACTED]

[REDACTED] Investigator-1 saw this portion of the notes when he decided to photograph them. And the taint team saw these notes when it came to the conclusion that the rest of the page did not contain privileged information.

11. Page 2 appears to be a cropped version of Page 1. It may reflect an attempt by Investigator-1 to crop-out the clearly privileged communication at the bottom of the page and to give the appearance that the top of the page was not likewise privileged.

Pages 3-11

12. Pages 3 through 11 list phone numbers and names associated with those phone numbers. I wrote several of these names, email addresses and phone numbers, [REDACTED]

Page 12

13. This sheet of paper is titled [REDACTED] at the top. There are several notes in this sheet that Mr. Combs wrote with the intention of discussing and did discuss with me and other counsel.

14. “[REDACTED]” – This note relates to a communication Mr. Combs gave to me and one of his lawyers, Michael Tremonte. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Accordingly, he communicated both to me and to Mr. Tremonte about the fact that [REDACTED]

[REDACTED]

15. [REDACTED]

[REDACTED] – This note reflects a communication that both Mr. Combs made to me and that I have made to Mr. Combs. I have told him several times that [REDACTED]

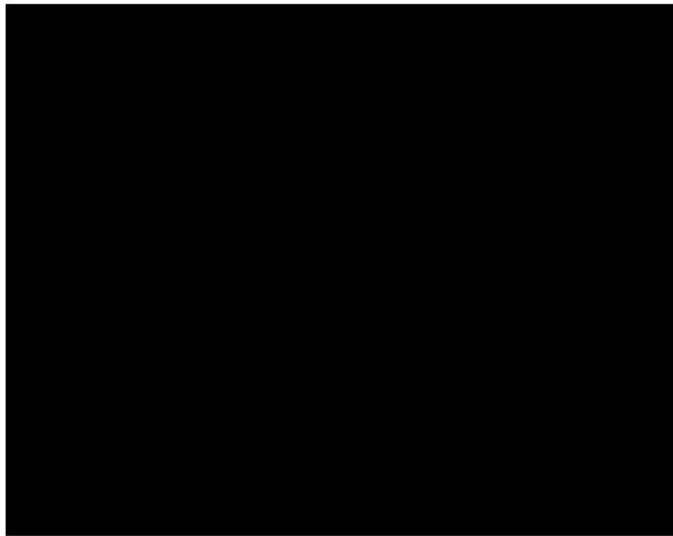
[REDACTED]

16. “[REDACTED]” – This note refers to a communication Mr. Combs has made to me several times regarding a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] :



17. [Redacted]

[Redacted]



[Redacted]

18. However, Mr. Combs has communicated to me several times, [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

19. Page 13 appears to be another version of Page 12.

Page 14

20. “[REDACTED]” – This note is a direct communication from Mr. Combs to me communicating that as part of our legal strategy we need to [REDACTED]  
[REDACTED] He has asked me to speak with [REDACTED] regarding this.

21. “[REDACTED]” – This note refers to a specific communication Mr. Combs made to me. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]<sup>2</sup> Mr. Combs has communicated to me several times that [REDACTED]  
[REDACTED]. He has told me to [REDACTED].

22. [REDACTED]  
[REDACTED] – This note refers to conversations that I and his other counsel have had with Mr. Combs regarding [REDACTED].

23. “[REDACTED]” – This note refers to a specific inquiry Mr. Combs posed to me. He has asked me several times to [REDACTED]  
[REDACTED]  
[REDACTED]

---

<sup>1</sup> [REDACTED]

<sup>2</sup> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. “[REDACTED]” – This note refers to [REDACTED]. He has communicated to me, and others on the team, that [REDACTED].

[REDACTED]

[REDACTED]

25. The notes make multiple references to [REDACTED]. [REDACTED] refers to communications that we have had regarding [REDACTED]. Mr. Combs and I have communicated about [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

refers specifically to a communication from defense counsel to Mr. Combs concerning a possible [REDACTED].

[REDACTED]

26. [REDACTED]” – This note refers to [REDACTED]

[REDACTED] and that he may be able to help counsel get in contact with [REDACTED]

[REDACTED]. (*See also* 11/19/24 Declaration of Teny Geragos ¶11.)

27. “[REDACTED]” – This note refers to a conversation that I was present

for between Mr. Agnifilo and Mr. Combs where Mr. Agnifilo told Mr. Combs that [REDACTED]

[REDACTED]

[REDACTED]

28. “[REDACTED]” – This note refers to an

instruction that Mr. Combs relayed to me. He explained that [REDACTED]

[REDACTED]

[REDACTED]

29. “[REDACTED]” – This note refers to

a communication Mr. Combs had with me, and with Ms. Shapiro and Mr. Agnifilo (in my presence,

but separately) asking for [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

30. “[REDACTED]” – This note refers to [REDACTED] [REDACTED]

[REDACTED]

(*See also* 11/19/24 Declaration of Teny

Geragos ¶19.)

31. “[REDACTED]” – This note refers to a communication Mr. Combs had to

me that [REDACTED].

32. “[REDACTED]” – This note is a question Mr. Combs posed to me regarding [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. We have discussed this at length and Mr. Combs has asked me repeatedly [REDACTED]  
[REDACTED].

Page 15

33. The notes on this page are addressed in my 11/19/24 Declaration at ¶¶8-15.

34. To add, he conveyed to me [REDACTED]  
[REDACTED].

Page 16

35. We are not asserting privilege over this page. It is worth noting, however, that at the bottom of the page is an email address for Mr. Ricco, a lawyer on Mr. Combs’ defense team. Investigator-1 saw this note when he photographed the page.

Page 17

36. This is a note that I wrote for Mr. Combs. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Page 18

37. “[REDACTED]” – This note reflects a communication Mr. Combs gave to me that [REDACTED].

38. “[REDACTED]” – This note again refers to several discussions I, and others, have had with Mr. Combs regarding [REDACTED].

39. Included in the attached Exhibit 1 at page 18 is an unredacted copy of these notes—viewed by Investigator-1 when he photographed them, and by the taint team when they released the redacted copy to the prosecution—reflecting Mr. Combs’ note on the same page that [REDACTED]

Page 19

40. We are not asserting privilege over this page, and note that the handwriting does not appear to be Mr. Combs’ handwriting.

Other Notes Reviewed by Investigator 1

41. Among the stack of legal pads that Investigator-1 rifled through were other papers that Investigator-1 would have seen—papers that would have given Investigator-1 a preview into Mr. Combs’ entire defense strategy, his thoughts and impressions regarding the evidence and charges, and other classic examples of work product. Several written notes in these legal pads were prepared at the direction of counsel.

Filter Team’s Copy of the Notes

42. Attached hereto as **Exhibit 1** is the unredacted version of the notes depicted in the government’s “Ex. A – Photographs” that the government’s Filter Team initially reviewed and later produced to the defense on November 18, 2024, at 7:36 p.m., as USAO\_00944575-593.

43. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 4, 2024  
New York, NY

/s/ Teny Geragos  
Teny Rose Geragos, Esq.